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## LOK SABHA

The following Bill was introduced in Lok Sabha on the 11th September, 1957:—

BILL No. 68 OF 1957

*A Bill to make in pursuance of clause (3) of article 16 of the Constitution special provisions for requirement as to residence in regard to certain classes of public employment in certain areas.*

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Employment (Requirement as to residence) Act, 1957. Short title and Commencement.
- 5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. Upon the commencement of this Act, any law then in force in any State or Union territory by virtue of clause (b) of article 35 of the Constitution prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, Repeal of existing laws prescribing requirements as to residence.  
10 or any local or other authority within, that State or Union territory, any requirement as to residence therein prior to such employment or appointment shall cease to have effect and is hereby repealed.
3. (1) The Central Government may, by notification in the Power to make rules in respect of certain classes of public employment in certain areas.  
15 Official Gazette, make rules prescribing, in regard to appointments to—  
(a) any subordinate service or post under the State Government of Andhra Pradesh, or

(b) any subordinate service or post under the control of the Administrator of Himachal Pradesh, Manipur or Tripura or

(c) any service or post under a local authority (other than a cantonment board) within the Telangana area of Andhra Pradesh or within the Union territory of Himachal Pradesh, Manipur or Tripura, 5

any requirement as to residence within the Telangana area or the said Union territory, as the case may be, prior to such appointment.

(2) In this section,—

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(a) "subordinate service or post" means any service or post appointments to which are not notified in the Official Gazette but includes any service of tehsildars;

(b) "Telangana area" comprises all the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956. 15

37 of 1956.

Parliament-  
ary scrutiny  
rules.

4. All rules made under section 3 shall, as soon as may be after they are made, be laid for not less than thirty days before each House of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid, 20 or in the session immediately following.

Duration of  
section  
and rules. 3

5. Section 3 and all rules made thereunder shall cease to have effect on the expiration of five years from the commencement of this Act, but such cesser shall not affect the validity of any appointment previously made in pursuance of the said rules. 25

## STATEMENT OF OBJECTS AND REASONS

Clause (2) of article 16 of the Constitution provides, *inter alia*, that no citizen shall, on grounds only of residence be ineligible for, or discriminated against in respect of, any employment or office under the State. Parliament is, however, competent under clause (3) of the said article to regulate the extent to which it would be permissible for a State to depart from the above principle. In considering this aspect of the question, the States Reorganisation Commission recommended that if any departure from the principle of non-discrimination on the ground of residence is to be authorised at all, it should be such as to cause minimum hardship and that necessary legislation in this regard should be undertaken.

2. On the basis of these recommendations, provision was made in this behalf in paragraphs 14, 15 and 16 of the memorandum on safeguards for linguistic minorities which was laid before Parliament in September, 1956. It was stated in the memorandum that the Government of India did not consider it necessary or desirable to impose any restrictions for any public employment and that it was proposed to repeal all the laws in force prescribing any requirement as to residence for any public employment. It was, further, stated in the memorandum that certain exceptions might have to be made for a transitional period to the general rule of non-discrimination in the Telengana area of the former Hyderabad State and in certain backward areas. In pursuance of this decision, it is now proposed to repeal all the laws in force prescribing any requirement as to residence within a State or Union territory for any public employment in that State or Union territory. Exception, however, is being made in the case of Himachal Pradesh, Manipur and Tripura and the area transferred from the State of Hyderabad to Andhra Pradesh. In respect of these areas, it is proposed to prescribe residential qualifications for a limited period not exceeding five years in regard to non-gazetted services including the service of tehsildars. It is proposed to empower the Central Government to make rules for the purpose.

3. The Bill seeks to achieve these objectives.

GOVIND BALLABH PANT.

NEW DELHI;

The 3rd September, 1957.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

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Clause 3 of the Bill empowers the Central Government to make rules, in regard to appointment to certain offices in Himachal Pradesh, Manipur, Tripura and the area transferred from the State of Hyderabad to Andhra Pradesh, prescribing any requirement as to residence within these territories prior to such appointment. The residential qualifications which are proposed to be prescribed would vary from service to service and from place to place. It would not, therefore, be possible to specify them in the Act itself. The rules to be made by the Central Government shall be laid before both Houses of Parliament and shall be subject to such modifications as Parliament may make.

In the circumstances, the delegation of legislative powers is of a normal character.

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M. N. KAUL,  
*Secretary.*